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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/827,457

04/19/2004

Shinji Maekawa

0553-0408

2984

24628

7590

09/02/2010

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EXAMINER

PADGETT, MARIANNE L

ART UNIT

PAPER NUMBER

1715

MAIL DATE

DELIVERY MODE

09/02/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/827,457</p>	<p>Applicant(s) MAEKAWA ET AL.</p>	
	<p>Examiner MARIANNE L. PADGETT</p>	<p>Art Unit 1715</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 August 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-7, 16 and 23-32.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s).
13. ☒ Other: See Continuation Sheet.

/Marianne L. Padgett/
Primary Examiner, Art Unit 1715

Continuation of 11. does NOT place the application in condition for allowance because:

Applicants discuss the teachings of Kiguchi et al. (6,599,582 B2) by themselves, instead of as combined with teachings of other references, asserting that the particular (but non-exclusive) example of Kiguchi that forms banks, is incompatible with applicants' claims 1 & 23, however absolutely nothing applicants' very broad independent claim 1 prohibits the process for being used for banks. The liquid drops being deposited in independent claim 1 can be employed for forming any pattern, whether it is banks, individual dots, single lines, complete blanket coating, etc., as long as the pretreatment & subsequent liquid deposition are sequential & repeated; which does not prohibit such a technique from being performed to form banks, or being performed within banks, etc. Thus, nothing in applicants' very broad independent claim 1 prohibits using techniques as taught by Kiguchi et al. Furthermore, as discussed in the examiner's rejection, Kiguchi et al. teach a variety of modification processes & means for patterning, and is not restricted to the formation of banks for their patterning processes, thus these arguments are not convincing. Also forming tanks by depositing one material, then treating with plasma, with subsequent deposition within banks, is entirely consistent with applicants' initial deposition of a thin film on a substrate, where that thin film has no defined shape; with subsequent plasma treatment to change the affinity, where that plasma treatment's change of the affinity has no necessary limitations on how the affinity is changed. When applicants claim depositions of no particular configuration & patterning in particular configurations, using generic materials of no specific composition or liquids, merely defined as having generic liquid repellency or affinity, and then their claims cannot be considered confined to the scope of particular patterns, nor exclude other patterns, merely because they are not mentioned in the claims, since such generic scope will encompass many, many particular options. Applicants discuss that only one pattern has to be performed to carry out applicants' invention, however due to "comprising" language and generic claim features, the claims are not so limited & do not prohibit processes & patterns as discussed with respect to the prior art, especially for the broadest independent claims 1 & 2.

Continuation of 13. Other:

Is noted that applicants' amendment to claim 26 deletes a word which added nothing to the meaning of the claim, as it was clearly accidentally left in claim 26, instead of deleted in the previous amendment of 3/18/10.